

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ROBERT WADE PLUMIER, AS SON AND
PERSONAL REPRESENTATIVE OF THE WRONGFUL DEATH
BENEFICIARIES OF ROBERT WAYNE PLUMIER,
DECEASED, AND ESTATE OF ROBERT WAYNE PLUMIER,
DECEASED**

PLAINTIFF

v.

CIVIL ACTION NO. 3:17-CV-713-DPJ-FKB

MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.

DEFENDANTS

**AGREED ORDER GRANTING JOINT MOTION TO TRANSFER VENUE
TO SOUTHERN DIVISION**

THIS MATTER comes before the Court as a result of the Joint Motion to Transfer Venue to Southern Division [26], and the Court having considered this matter finds as follows:

1. Plaintiffs' lawsuit alleges that Robert Wade Plumier, a post-conviction inmate in the custody of the Mississippi Department of Corrections, was denied medical care while housed at the South Mississippi Correctional Institution ("SMCI") in Leakesville, Greene County, Mississippi [4]. Plaintiffs have named as Defendants, the Mississippi Department of Corrections and South Mississippi Correctional Institution as well as individual Defendants Jacquelyn Banks, Superintendent of SMCI, Marshal Turner, Warden at SMCI, and Brenda Sims, Warden at SMCI [4 at ¶34]. Plaintiffs have also named Wexford Health Sources, Inc., which employs all medical personnel at SMCI via contract with MDOC [4 at ¶15].
2. As set forth in the Plaintiffs' First Amended Complaint, "the conduct, acts and/or omissions upon which this cause of action is based occurred . . . within the jurisdiction of the United States District Court for the Southern District of Mississippi, Southern Division." [4 at ¶13].
3. Under 28 U.S.C. §1404(a), "[f]or the convenience of parties and witnesses, in the interest

of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” Further, 28 U.S.C. §1404(b) states that [u]pon motion, consent or stipulation of all parties, any action, suit or proceeding of a civil nature. . . , may be transferred, in the discretion of the court, from the division in which pending to any other division in the same district.”

4. The present motion is consented and stipulated to by the parties and will provide a more convenient forum for the litigation of this matter as all alleged events occurred in the Southern Division by persons employed at SMCI located in the Southern Division.

IT IS THEREFORE ORDERED AND ADJUDGED That the Joint Motion to Transfer Venue to the Southern Division [26] is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the present civil action be transferred to the Southern Division of the Southern District of Mississippi for all further proceedings.

SO ORDERED AND ADJUDGED this the 8th day of January, 2018.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

Approved By:

/s/Douglas L. Tynes, Jr.
Counsel for Plaintiffs

/s/Vardaman K. Smith, III
Counsel for Wexford Health Sources, Inc.

/s/ Tommy D. Goodwin
Counsel for MDOC Defendants